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**To: Mail Stop Amendment**

**U.S. Patent and Trademark Office**

Fax #: 571-273-8300

**From:** Ronald J. Kuhoveck (Registrant No. 25,401)

**Date:** December 27, 2006

**Pages :** 6 including this cover sheet

**Re:**                      **Appl. No.**                      : 10'558,275

Applicant : Keijiro TAKANISHI et al.

**Filed** : November 23, 2006

TC/A.U. : 1711

<b>Examiner :</b>	Dac Truong
<b>pl- N° :</b>	06/06/2017

DLF No. : PE-063  
 Ques No. : 2037A

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Confirmation No. 1653

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**Journal of Management Inquiry**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/558,275 Confirmation No. 1653  
Applicant : Keijiro TANAKASHI et al.  
Filed : November 23, 2005  
TC/A.J. : 1711  
Examiner : Duc Truong  
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Cust. No. : 20374

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Richard J. Kuboveck

RESPONSE TO AND REQUEST FOR REMOVAL OF ELECTION OF SPECIES  
(LACK OF UNITY OF INVENTION) REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
December 27, 2006

Sir:

This paper is submitted in response to the Office Action dated  
November 27, 2006.

The action requires election of one of the following species:

- (1) a residue from phosphonic acid,
- (2) a residue from thiophosphonic acid,
- (3) a residue from selenophosphonic acid,

PATENT APPLN. NO. 10/558,275  
RESPONSE TO AND REQUEST FOR REEXAM OF ELECTION OF SPECIES  
(LACK OF UNITY OF INVENTION) REQUIREMENT

- (4) a residue from phosphorous acid,
- (5) a residue from phosphoric acid,
- (6) a phosphorous containing residue of the claimed formula (2), and
- (7) a phosphorous containing residue of the claimed formula (3).

Applicants elect Group (1) as the species. Claims 1 and 8 to 12 are believed to read on the elected species. This election is made with traverse on the basis that the Office has not properly shown a lack of unity of invention in the present application.

The present application is the U.S. national stage of an international application. As noted in the action, unity of invention practice must be applied by the Office to the present application. The Office is taking the position that unity of invention is lacking under PCT Rule 13.1 because, under PCT Rule 13.2, the groups lack the same or corresponding technical feature because each species has a different chemical structure and requires a different search.

Applicants respectfully submit that the Office has not properly applied unity of invention practice. Species (1) to (5) are recited in claim 1 as a Markush group. According to Annex B of the Administrative Instructions under the PCT, in the case of





